

APPENDIX A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMOND STATE SALVAGE COMPANY, INC.,
ESTATE OF HERBERT SHERR,
NANCY SHERR, AS EXECUTRIX FOR THE
ESTATE OF HERBERT SHERR,
BARBARA SHERR KLEGER,

and

DELMARVA POWER & LIGHT COMPANY,

Defendants.

Civil Action No.

Judge

DECLARATION

DECLARATION

I, Barbara Sherr Kleger, hereby certify that the following documents contain accurate and complete information concerning my financial condition for the period 1999 through December 2002, with supplemental information through December 2003.

1. Completed "Financial Statement of Debtor, Submitted for Government Action on Claims Due to the United States" and all attachments thereto, signed by Barbara Kleger, dated January 8, 2004.

2. United States Income Tax Returns for Barbara Sherr Kleger and Allen Dubroff for calendar years 1999, 2000, 2001 and 2002.

3. Letter from Joseph Manko, Manko, Gold, Katcher, Fox L.L.P., to Donna Duer, U.S. Department of Justice, dated March 26, 2004, and all attachments thereto.

4. Letter from Joseph Manko, Manko, Gold, Katcher, Fox L.L.P., to Donna Duer, U.S. Department of Justice, dated June 10, 2004, and all attachments thereto.

I further certify that my financial condition has not changed materially since January 2004.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Feb 4, 2005

Barbara Sherr Kleger
Barbara Sherr Kleger

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMOND STATE SALVAGE COMPANY, INC.,
ESTATE OF HERBERT SHERR,
NANCY SHERR, AS EXECUTRIX FOR THE
ESTATE OF HERBERT SHERR,
BARBARA SHERR KLEGER,

and

DELMARVA POWER & LIGHT COMPANY,

Defendants.

Civil Action No.

Judge

DECLARATION

DECLARATION

I, Nancy Sherr, as Executrix for the Estate of Herbert Sherr, hereby certify that the following documents contain accurate and complete information concerning the financial condition of the Estate of Herbert Sherr through September 2003.

1. Letter dated April 29, 2002 from Harvey N. Shapiro, Schnader, Harrison, Segal & Lewis, L.L.P., to Laura B. Janson, Chief, Cost Recovery Section, U.S. Environmental Protection Agency, and copies of documents enclosed therewith, including:

- a. Answers to Questions in the Information Request of the United States Environmental Protection Agency of March 21, 2002 to the Estate of Herbert Sherr;
- b. United States Estate Tax Return (Form 706), for Estate of Herbert Sherr, signed and dated October 12, 2001;
- c. United States Individual Income Tax Return for years 1998, 1999 and 2000, 2001 (Form 1040), for Herbert Sherr and Nancy Sherr, undated;
- d. Amended United States Individual Income Tax Return for year 1999 (Form 1040X), for Herbert Sherr and Nancy Sherr, undated;
- e. PA-41 PA Fiduciary Income Tax Return for year 2001;
- f. Estate of Herbert Sherr, deceased, stock value as of March 27, 2002;
- g. Will of Herbert Sherr;
- j. First Codicil to Will of Herbert Sherr;
- k. Register of Wills of Chester County, Pennsylvania, Certificate of Grant of Letters Testamentary for Estate of Herbert Sherr Deceased, dated February 14, 2001, signed by Deputy for the Register of Wills;
- l. Register of Wills, Chester County, Pennsylvania, Inventory for Estate of Herbert Sherr, dated October 12, 2001 ;
- m. Purchase Agreement dated July 1, 2001;
- n. Check Register for Estate of Herbert Sherr checking account;
- o. Income Tax Return for 1999 (Form 1040) and

2. Letter dated September 23, 2003, from Harvey N. Shapiro, Schnader, Harrison, Segal & Lewis, L.L.P., to Benjamin M. Cohan, Sr. Assistant Regional Counsel, U.S. Environmental Protection Agency, and documents enclosed therewith, including Final Accounting prepared for the Estate of Herbert Sherr through September 5, 2003.

I further certify that the financial condition of the Estate of Herbert Sherr has not changed materially since September 5, 2003.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 1/26/05

Nancy A Sherr
Nancy Sherr

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIAMOND STATE SALVAGE COMPANY, INC.,
ESTATE OF HERBERT SHERR,
NANCY SHERR, AS EXECUTRIX FOR THE
ESTATE OF HERBERT SHERR,
BARBARA SHERR KLEGER,

and

DELMARVA POWER & LIGHT COMPANY,

Defendants.

Civil Action No.

Judge

DECLARATION

DECLARATION

I, William M. Gausman, hereby certify, to the best of my knowledge and belief, that Delmarva Power & Light Company ("Delmarva") has performed a thorough, comprehensive, good faith search for all information in the possession, custody, or control of Delmarva or any of its officers, directors, employees, contractors or agents, which relates in any way to the ownership or operation of the Diamond State Salvage Superfund Site ("Site"), and to the generation, treatment, transportation, storage or disposal of hazardous substances, pollutants and contaminants at or in connection with the Site, and that Delmarva has fully disclosed all of the information identified as a result of the search for information which relates in any way to the

ownership or operation of the Diamond State Salvage Superfund Site, and to the generation, treatment, transportation, storage or disposal of hazardous substances, pollutants and contaminants at or in connection with the Site.

I further certify, to the best of my knowledge and belief, that Delmarva has not altered, mutilated, discarded, destroyed or otherwise disposed of any records, documents, or other information relating to its potential liability regarding the Site since receipt of the first information request sent to Delmarva by EPA pursuant to Section 104(e) of CERCLA, other than information protected by the attorney client privilege as recognized by federal law, and that Delmarva has complied in good faith with any and all EPA requests for information pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e).

I further certify, to the best of my knowledge and belief, that the amount of material containing hazardous substances Delmarva has allegedly contributed to the Diamond State Salvage Superfund Site is not greater than the amount indicated on the documents attached hereto.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 2/11/05.

William M. Grauman

PROCESSORS OF:

- COPPER
- BRASS
- ALUMINUM
- NEWSPAPER

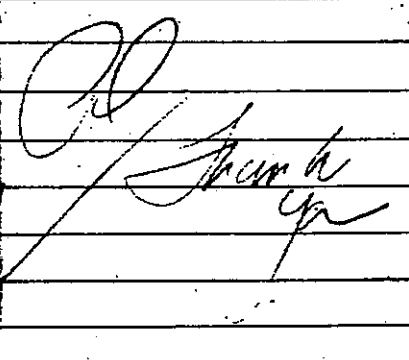
- SCRAP IRON
- STRUCTURAL STEEL
- INDUSTRIAL WASTE MATERIAL
- CORRUGATED

Phone
655-1501

Diamond State Salvage Co.

14th & CHURCH STS.

WILMINGTON, DEL. 19802

CUSTOMER'S ORDER NO.						DATE	
NAME						5/3 1979	
STREET						DP & L	
CITY & STATE							
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSEL RET'D	PAID OUT	
QUANTITY	DESCRIPTION					PRICE	AMOUNT
18400	5/17, 15/18 Transferrable 56					184	184
							
4/12/81							
4/14/79							

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL.

39962

RECEIVED BY

NUSSBAUMER & CO., WILM., DEL. 656-9844

TICKET NO. _____ DATE 4 30 MAY 17

WEIGHED AT _____ TIME _____

GROSS 28.400 MATERIAL Capacitors

TARE 13.100 TRUCK NO. _____

NET 15.300 DRIVER: ON ☐ OFF ☒

1500 Powder to 10% CUSTOMER ORD. _____

DELIVER TO DPHL

REMARKS _____

DRIVER _____ WEIGHER K. Kew

RECEIVED BY _____

PT. NO. 42136882 PRINTED IN U.S.A.

HOWE RICHARDSON SCALES
SALES AND SERVICE

Ticket No. _____

WEIGHED AT DIAMOND STATE SALVAGE CO.

GROSS 18.400

TARE 13.300

NET 5.100

500 Machine (10%)

Driver: On ☐ Off ☒

Customer Ord. _____

Remarks DPHL

Driver _____ Weigher K. Kew

- COPPER
- BRASS
- ALUMINUM
- NEWSPAPER

PROCESSORS OF:

- SCRAP IRON
- STRUCTURAL STEEL
- INDUSTRIAL WASTE MATERIAL
- CORRUGATED

Phone
655-1501

Diamond State Salvage Co.

14th & CHURCH STS.

WILMINGTON, DEL. 19802

CUSTOMER'S ORDER NO.

DATE

NAME

STREET

CITY & STATE

SOLD BY

CASH

C.O.D.

CHARGE

ON ACCT.

MOSE. RET'D

PAID OUT

QUANTITY

DESCRIPTION

PRICE

AMOUNT

		8/17/79		
5917	#C.W. Wire (5900.67)	033	198	22
290	#Clean Lead	113	1247	
7109	*Clean Alum	34	265	31
1444	*Welding BRASS	36	527	05
2636	*Clean Alum / iron parts	02	52	72
1405	*Motor Motor	01	14	75
3194	*Clean Wire	30	66	92
250	*Clean Wire	25	18	
251	*Clean Wire	25	18	
5018	*Clean Wire	25	18	

ALL GOODS MUST BE RETURNED TO THE COMPANY WITHIN 30 DAYS OF THE DATE OF PURCHASE. IF NOT RETURNED, THE COMPANY WILL BE RESPONSIBLE FOR THE RETURN OF THE GOODS.

42587

RECEIVED BY

HUSSEIN & CO. WILM.

PROCESSORS OF:

- COPPER
- BRASS
- ALUMINUM
- ALUMINUM CANS

- SCRAP IRON
- STRUCTURAL STEEL
- INDUSTRIAL WASTE MATERIAL

Phone
655-1501

Diamond State Salvage Co.

14th & CHURCH STS.

WILMINGTON, DEL. 19802

CUST. ORDER NO. _____ DATE 7/9 1987NAME DP-2

ADDRESS _____

QUAN.	DESCRIPTION	PRICE	AMOUNT
12860	# Steel wire (5x-40)	18 ⁵⁰	103 34
2940	# ACSR wire (5500 42)	231	2065 14
12800	# Lead 1/2x1/8	.09	1152 00
			3320 48

41380

REC'D BY _____

098454		DIAMOND STATE SALVAGE CO.		1 26 OCT 18	
Ticket No.		14th & CHURCH STS.		Date	
		WILMINGTON, DELAWARE 19802			
		(302) 655-1501			
7 400		GROSS		Remarks	
5 000		TARE		1 55 OCT 18	
NET					
2400					
2350					
Commodity		BUTTERES		03 20.50	
Name				Received <input type="checkbox"/>	
Address		DP4L		Shipped <input type="checkbox"/>	
Driver					
		On <input checked="" type="checkbox"/> Weigher			
		Off <input type="checkbox"/>			

098606 Ticket No.		DIAMOND STATE SALVAGE CO. 14th & CHURCH STS. WILMINGTON, DELAWARE 19802 (302) 655-1501		20 OCT 23 Date 20 OCT 23	
4980	GROSS	Remarks			
4600	TARE				
380	NET				
380		380			
-150		-150			
230		230			
Common		03 1/2 11 55			
Name		DP/L			
Address		Received <input type="checkbox"/>			
		Shipped <input type="checkbox"/>			
Driver		Off <input checked="" type="checkbox"/> Higher <input type="checkbox"/> John F. Mansure #56214			

#8996

099194
Ticket No.

DIAMOND STATE SALVAGE CO.
14th & CHURCH STS.
WILMINGTON, DELAWARE 19802
(302) 655-1501

Date **1117 NOV 6**

8 500 GROSS
5 760 TARE
270 NET
- 100 PALLETS

Remarks

Commodity **270 Batts** @ **03** \$ **19.20**

Name **Delmarva Power**

Address **Sub Stations**

Received ☐
Shipped ☐

Driver ☐ On ☒ Weigher ☐ Off

009073

099214
Ticket No.

DIAMOND STATE SALVAGE CO.
14th & CHURCH STS.
WILMINGTON, DELAWARE 19802
(302) 655-1501

Date **1117 NOV 6**
1 32 NOV 6

7 360 GROSS
5 800 TARE
1560 NET
1518

Remarks **10.11.10**

Commodity **1518 Batts** @ **03** \$ **45.30**

Name **DPH**

Address

Received ☐
Shipped ☐

Driver ☐ On ☐ Weigher ☐ Off

009073

DIAMOND STATE SALVAGE CO.

14th & CHURCH STS.

WILMINGTON, DELAWARE 19802

(302) 655-1501

103653

Ticket No.

Date

GROSS

7 000

TARE

5 080

NET

1 920

- 50 SKID

Remarks

1 29 MAR 7

1 39 MAR 7

4544082

PO BOX 9239

Newark DE 19714

Commodity

Name

Address

Driver

On

Off

Received

Shipped

1870 Ball PISTON
 Delaware Power
 24
 3940

095692		DIAMOND STATE SALVAGE CO.	
Ticket No.		14th & CHURCH STS. WILMINGTON, DELAWARE 19802 (302) 658-1501	
6 900	GROSS	0-45 AUG 7	0-54 AUG 9
5 000	TARE	Remarks	
1 900	NET		
50	SX 10		
1850			
Commodity	Botches @ 02 : 37-		
Name	DOL - J		
Address			
Driver	D. J. Trainger		
ENTERED EOP			
Received <input type="checkbox"/>			
Shipped <input checked="" type="checkbox"/>			

101254
Ticket No.

DIAMOND STATE SALVAGE CO.
14th & CHURCH STS.
WILMINGTON, DELAWARE 19802
(302) 665-1501

1056 JAN 8
Date

GROSS
7600
TARE
4840
NET
2760
90
2720

Remarks
1125 JAN 8
POSTED
POSTED

Commodity Batteries @ 02^{1/2} \$ 168

Name DPH (Fleet Services)

Address _____

Driver _____ On ☒ Weigher _____
Off ☐

Received ☐
Shipped ☐

087454

Ticket No.

DIAMOND STATE SALVAGE CO.

14th & CHURCH STS.
WILMINGTON, DELAWARE 19802
(302) 655-1501

8 59 JAN 11

6 200

GROSS

4 680

TARE

1 520

NET

Remarks

9 05 JAN 11

9 05 JAN 11

Commodity

Batteries

03

\$

45.60

Name

Delmarva Power

Address

FLEET SERVICE

Received ☐Shipped ☐

Driver

On ☐Off ☐

Weigher

PROCESSORS OF:

- COPPER
- BRASS
- ALUMINUM
- ALUMINUM CANS

- SCRAP IRON
- STRUCTURAL STEEL
- INDUSTRIAL WASTE MATERIALS

PHONE
655-1501

Diamond State Salvage Co.

14TH & CHURCH STS. • WILMINGTON, DE 19802

NAME

D P L

DATE

11/29/88

ADDRESS

QUAN.	DESCRIPTION	PRICE	AMOUNT
	COPPER		
	ALUMINUM		
	BRASS		
	STAINLESS STEEL		
	ACSR		
	RADIATORS		
	CANS		
<i>20</i>	BATTERIES		<i>20</i>

118561

REC'D BY

DELTA FORMS, INC. WILMINGTON, DE 19806-BN

088803 Ticket No.		DIAMOND STATE SALVAGE CO. 14th & CHURCH STS. WILMINGTON, DELAWARE 19802 (302) 655-1501		Date 8 52 FEB 13	
6 200	GROSS	Remarks			
4 900	TARE				
1300	NET				
1250		✓			
30 HZES					
Commodity					
		0.3 \$37.50			
Name		Received <input type="checkbox"/>			
Address		Shipped <input type="checkbox"/>			
Driver		On <input type="checkbox"/> Weigher <input type="checkbox"/>			
		Off <input type="checkbox"/>			

085442

Ticket No.

DIAMOND STATE SALVAGE CO.

14th & CHURCH STS.

WILMINGTON, DELAWARE 19802

(302) 655-1501

Date

1256 NOV 15

8 500

GROSS

6 140

TARE

Remarks

PP

Thank you

2360 NET

80 Skch

2280

1-19 NOV 15

Commodity

Batteries

@ 03 1/2

7980

Name

Address

Received ☐Shipped ☐

Driver

On ☒
Off ☐

Weigher

085245

Ticket No.

DIAMOND STATE SALVAGE CO.

14th & CHURCH STS.

WILMINGTON, DELAWARE 19802

(302) 655-1501

1230 NOV 10

Date

6 020

GROSS

4 620

TARE

Remarks

NET

12420

1238 NOV 10

Commodity

Batteries

@

03 1/2

49

Name

Address

Received ☐Shipped ☐

Driver

On ☒
Off ☐

Weigher

090909 Ticket No.		DIAMOND STATE SALVAGE CO. 14th & CHURCH STS. WILMINGTON, DELAWARE 19802 (302) 655-1501		1051 Apr 5 Date	
5 000		GROSS		1057 Apr 5	
+ 300		TARE		Remarks	
7100		NET			
50 SKID					
7050					
Commodity <i>Batteries</i>				@ <i>02</i> \$ <i>21-</i>	
Name <i>DPH</i>					
Address				Received <input type="checkbox"/>	
				Shipped <input type="checkbox"/>	
Driver		On <input type="checkbox"/> Weigher			
		Off <input type="checkbox"/>			

PROCESSORS OF:

- COPPER
- BRASS
- ALUMINUM

- SCRAP IRON
- STRUCTURAL STEEL
- INDUSTRIAL WASTE MATERIAL

Phone
655-1501

Diamond State Salvage Co.

14th & CHURCH STS.

WILMINGTON, DEL. 19802

Customer's Order No.		Date				
		5/10/84				
Name		D. J. [Signature]				
Address		5/10/84				
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSE. RETO	PAID OUT
QUAN	DESCRIPTION	PRICE	AMOUNT			
	TICKET # 015140					
1100 #	Batteries	.03	33.00			
8600 #	ACSR (55% 0.502)	.2715	2388.65			
18980 #	Lead (58-40)	15.00	152.52			
	12880 W.P. Remold:					
	(Sorts as follows)					
1288 #	Control (40% 0.49 1/2)	.198	255.02			
1288 #	Power (55% 0.49 1/2)	.2725	350.66			
1030 #	W.P. Wire (40% 0.59)	.354	3647.62			
	Less Stripping (Control + Power)		(180.32)			
All claims and returned goods MUST be accompanied by this bill.						
41777 Received By		TAX				
		TOTAL	6647.15			

28535

- COPPER
- BRASS
- ALUMINUM

PROCESSORS OF:

- SCRAP IRON
- STRUCTURAL STEEL
- INDUSTRIAL WASTE MATERIAL
- CORRUGATED

Phone
655-1501

Diamond State Salvage Co.

14th & CHURCH STS.

WILMINGTON, DEL. 19802

CUSTOMER ORDER NO. _____ DATE 3/27/92

NAME Delmarva Power & Light Co

STREET _____

CITY & STATE _____

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT	MO. RET	PAY OUT	
QUANTITY	DESCRIPTION					PRICE	AMOUNT
	10775 Lead Cable Rec'd						
	(4/1/82)						
	as follows						
3229	Lead					11.5	355.19
4192	Copper					55 1/4	2316.08
3357	Waste						NV
							2671.29
	Less Shipping					05	<538.90>
							2132.37
	<i>[Signature]</i>						

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS BILL

073793

RECEIVED BY

27327-80

137908		DIAMOND STATE SALVAGE CO.		Nov - 10 53	
Ticket No.		14th & CHURCH STS		Date	
21520 LB GR		WILMINGTON, DE LAWARE 19802			
GROSS		(302) 655-1501		ON ACCOUNT	
15720 LB GR		TARE		Remarks	
5000		NET		Nov - 11 06	
-2000 lbs					
5600		Commodity		Batteries @ 34 \$ 168	
		Name		DPTL (NDGL)	
		Address		Received <input type="checkbox"/>	
				Shipped <input type="checkbox"/>	
Driver		On <input checked="" type="checkbox"/> Weigher			

CERTIFICATE OF SERVICE

I, Patricia C. Hannigan, hereby certify that this 1st day of April, 2005, I electronically filed the foregoing **Proposed Consent Decree** with the Clerk of the Court using CM/ECF. Notification of such filing will be served by First Class Mail on the following:

Glen Harris, Esquire

Ballard Spahr Andrews & Ingersol, LLP
Plaza 1000, Suite 500
Main Street
Voorhees, NJ 08043-4636

Barbara Sher Kleger

226 West Rittenhouse Square #3010
Philadelphia, PA 19103

Notification of filling will be hand-delivered to the following:

PHI Service Company

c/o Legal Services Department
800 King Street
P.O. Box 231
Wilmington, DE 19899-0231

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
Patricia C. Hannigan
Assistant United States Attorney
Delaware Bar I.D. No. 2145
The Nemours Building
1007 Orange Street, Suite 700
P. O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277
Patricia.Hannigan@usdoj.gov